

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CV-504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

v.

VIVINT SMART HOME, INC.
f/k/a MOSAIC ACQUISITION CORP.
and LEGACY VIVINT SMART HOME,
INC. f/k/a VIVINT SMART HOME, INC.,

Defendants.

**VIVINT'S MOTION FOR
POST-TRIAL RELIEF**

In accordance with Rules 50 and 59 of the Federal Rules of Civil Procedure, Defendants Vivint Smart Home, Inc. and Legacy Vivint Smart Home, Inc. (together, Vivint) respectfully move the Court for post-trial relief.

As set forth in the brief supporting this motion, Vivint asks that the Court:

- (1) alter or amend the judgment under Rule 59(e) or, alternatively, remit CPI's damages or order a new trial under Rule 59(a), because limits on double recovery and on non-compensatory damages restrict CPI's recovery to a subset of the damages awards on the verdict sheet;
- (2) grant judgment as a matter of law under Rule 50(b) for Vivint on CPI's North Carolina Unfair and Deceptive Trade Practices Act claim, because CPI failed to prove that it relied on Vivint's alleged misrepresentations; and

- (3) grant judgment as a matter of law under Rule 50(b) for Vivint on damages or, alternatively, remit CPI's damages or order a new trial under Rule 59(a), because (a) the jury's inflated awards resulted from the erroneous admission of inflammatory evidence, and (b) CPI failed to introduce sufficient admissible evidence to support the jury's damages awards.

Respectfully submitted the 17th day of March, 2023.

GREENBERG TRAURIG, LLP

Michael N. Kreitzer
Florida Bar No. 705561
kreitzerm@gtlaw.com
333 S.E. 2nd Avenue, Suite 4400
Miami, FL 33131
Telephone: (305) 579-0500

Counsel for Defendants

**ROBINSON, BRADSHAW &
HINSON, P.A.**

s/ Matthew W. Sawchak
Matthew W. Sawchak
N.C. State Bar No. 17059
msawchak@robinsonbradshaw.com
Erik R. Zimmerman
N.C. State Bar No. 50247
ezimmerman@robinsonbradshaw.com
434 Fayetteville St., Suite 1600
Raleigh, NC 27601
Telephone: (919) 239-2600

Counsel for Defendants

CLYDE SNOW & SESSIONS, P.C.

Matthew A. Steward
Utah Bar No. 7637
mas@clydesnow.com
One Utah Center, 13th Floor
201 South Main Street
Salt Lake City, UT 84111-2216
Telephone: (801) 322-2516

Counsel for Defendants

POYNER SPRUILL LLP

s/ Andrew H. Erteschik
Andrew H. Erteschik
N.C. State Bar No. 35269
aerteschik@poynerspruill.com
John M. Durnovich
N.C. State Bar No. 47715
jdurnovich@poynerspruill.com
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: (919) 783-2895

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that I have electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel and parties of record.

This the 17th day of March, 2023.

s/ Matthew W. Sawchak
Matthew W. Sawchak